



WISCONSIN

DEPARTMENT OF WORKFORCE DEVELOPMENT

Division of Economic Support
Bureau of Welfare Initiatives

TO: **Economic Support Supervisors
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Training Staff
FSET Administrative and Provider Agencies
Child Care Coordinators
W-2 Agencies**

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Non W-2 [X] W-2 [X] CC [X]

PRIORITY: Medium

SUBJECT: CHILD SUPPORT COOPERATION REQUIREMENTS

CROSS REFERENCE: W-2 Manual, Chapters 2 and 16
Child Day Care Manual, Chapter 2
Medical Assistance Handbook, Appendix 7.0.0
Food Stamp Handbook, Appendix 10.0.0
DES Administrator's Memo 98-33

EFFECTIVE DATE: Policies discussed in this memo are already in effect.

PURPOSE

This memo clarifies the child support cooperation requirements for Wisconsin Works (W-2), Child Care (CC), Medical Assistance (Medicaid)/BadgerCare (MA) and Food Stamp (FS) program applicants and recipients.

BACKGROUND

All households with a child(ren) with an absent parent **or** with a father living in the home who needs paternity established should be referred to the Child Support Agency (CSA). Fathers with children needing paternity establishment are:

1. **Acknowledged father, non-conclusive:** Voluntary acknowledgement without an effect of a judgement of paternity (pre-May 1, 1998 in Wisconsin)
2. **Alleged father:** Named by custodial parent as probable father
3. **Claimed father:** Father lives with the child, claims to be the father but paternity not established.

Households with fathers in the home with children for whom paternity has been established should **not** be referred to the CSA. This would include:

1. **Acknowledged fathers, conclusive:** Voluntary acknowledgment with an effect of a judgement of paternity (post May 1, 1998 if a Wisconsin birth).
2. **Adjudicated fathers:** Paternity established through a court order.

CARES

CARES schedules the absent parent screen APGI when there is a child with 1 or no parents in the household. CARES determines this based on ANHR (household relationships for everyone in the household). CARES also schedules APGI when a child has both parents in the home, but the father's relationship to the child is coded on ANHR as "CFR" (claimed father). This code means paternity has not been established but the father lives with the child and claims to be the child's father.

18-year-old individuals living on their own will also bring up APGI. CARES can not tell at this point in the application process if this person is a dependent 18-year-old and considered a minor or if the 18-year-old is considered an adult. If they are considered to be an adult, the referral flag on APGI should be a <N>.

APGI collects general data on the absent parent for each deprived child in the household. The CARES worker associates the absent parent with the child on this screen. Every effort should be made to fill in an accurate name, social security number, and date of birth for each absent parent or claimed father. Once a referral has been made on APGI, it should remain a <Y>. Workers do not need to enter the <Y> again at review, as this will generate a referral to an existing case.

Wisconsin Works (W-2)

All household members applying for or receiving W-2 services (employment positions, Custodial Parent of an Infant payments, Job Access Loans or child care services) must maintain a cooperative status with the CSA in order to be eligible for W-2 assistance if there is an absent parent or a father in the home with a child for whom paternity has not been established. During the pre-eligible period of the application process, the client is referred to the child support agency and given a coupon, which makes the client eligible to receive child support services without paying an application fee. An automated referral is sent via APGI when W-2 eligibility is confirmed.

Child Care (CC)

All households applying for or receiving child care services must fully cooperate with the CSA as a condition of eligibility if there is an absent parent or a father in the home with a child for whom paternity must be established. An automated referral is sent via APGI when child care eligibility is confirmed.

Medical Assistance (Medicaid)/BadgerCare (MA)

Adults applying for or receiving MA services must cooperate in the establishment of paternity for a minor child born out of wedlock and for the establishment of health insurance for a child receiving MA. Receipt of MA benefits by children does not depend on parental cooperation. Women who are pregnant or two months postpartum cannot be sanctioned for noncooperation. An automated referral is sent via APGI when MA eligibility is confirmed.

Food Stamps (FS)

All adult FS applicants and recipients are required to cooperate with the CSA if they are a custodial parent of, or are any other person living with and exercising parental control over, a child under the age of 18 who has an absent parent; a noncustodial parent; an alleged father or a parent who is delinquent in making court ordered child support payments under the standard set out in the FS Handbook, Appendix 10.1.0. An automated referral is sent via APGI when FS eligibility is confirmed.

NONCOOPERATION

The Child Support Agency (CSA) makes the determination of whether an applicant is cooperating with child support enforcement efforts. When noncooperation information is added on screen NC2 in KIDS, this information is sent to CARES and a worker alert is generated. The CARES worker should then enter child support cooperation as <N> on ANPC and rerun eligibility, unless there is good cause for noncooperation.

When <N> is entered for cooperation with child support, the worker must also answer the good cause claimed question. The W-2 agency or IM agency determines if there is good cause for refusal to cooperate with the CSA. To make this determination, refer to the W-2 Manual, section 16.3.1.1 Good Cause (for W-2 and Child Care), the MA Handbook, appendix 7.3.3 Circumstances and the FS Handbook, appendix 10.1.1. Good Cause for Noncooperation.

A participant who is a custodial parent is considered to be cooperative if there is an open IV-D case for the child in question and no indicator of non-cooperation is noted in the KIDS participant screens. A noncustodial parent's cooperation must be determined by contacting the CSA.

W-2

If a **W-2 applicant or any other member of the W-2 group** who is a custodial parent of a child in that group refuses to cooperate with child support without good cause, the **entire group** is not eligible for a W-2 employment position, a Custodial Parent of an Infant payment, a Job Access Loan, or child care assistance.

A **W-2 participant or any other member in the W-2 group** who is a custodial parent of a child in that group who fails to cooperate with child support without good cause must be removed from the employment position and will lose their child care subsidy. The entire group is ineligible for W-2 services **until cooperation with child support occurs**.

If the W-2 case closes and the group reapplies, the individual who failed to cooperate with child support should be left in the non-cooperation status when referred to the CSA. The group is ineligible until the individual cooperates or establishes good cause. An **applicant/participant** who fails three times without good cause to cooperate remains ineligible for W-2 services **until the individual cooperates or for a period of six months, whichever is later**.

CC

If a **child care applicant or any other member of the group** who is a custodial parent of a child in that group refuses to cooperate with child support without good cause, the **entire group** is not eligible for child care assistance.

If a **child care recipient or any other member of the group** who is a custodial parent of a child in that group fails to cooperate with child support without good cause, the entire group loses their child care subsidy **until cooperation with child support occurs**.

If the CC case closes and the group reapplies, the individual who failed to cooperate with child support should be left in the non-cooperation status when referred to the CSA. The group is ineligible until the individual cooperates or establishes good cause.

MA

If a **Medicaid/BadgerCare applicant or recipient** fails to cooperate without good cause, that individual is not eligible for MA. The individual remains ineligible **until they cooperate, establish good cause, or cooperation is no longer required**. Pregnant women and children cannot be removed from MA due to noncooperation.

If the MA case closes and the group reapplies, the individual who failed to cooperate with child support should be left in the non-cooperation status when referred to the CSA. The sanction for that individual is

removed when cooperation or good cause is established.

FS

If an adult **food stamp applicant or recipient** fails to cooperate without good cause, the individual is not eligible for FS. The individual can regain eligibility for the FS program by **cooperating with the CSA or establishing good cause**.

If the FS case closes and the group reapplies, the individual who failed to cooperate with child support should be left in the non-cooperation status when referred to the CSA. The sanction for that individual is removed when cooperation or good cause is established.

If a worker is aware that a food stamp applicant is a noncustodial parent in KIDS, the worker should contact the CSA worker to ask whether the applicant is cooperating with child support. The worker may also request cooperation status information at the time of an eligibility review. The CSA worker will respond to the request within one week. When an NCP who was denied food stamps resumes cooperation, it is the responsibility of the NCP to inform the IM agency. Upon request, the CSA worker will provide verification of this cooperation to the IM agency.

ENDING THE SANCTION FOR NONCOOPERATION

When CARES receives the end date for a noncooperation episode, the CARES worker should enter cooperation with child support as <Y> on APNC and rerun eligibility.

Occasionally, the child support worker may determine that the noncooperation determination was made in error. When this is communicated to the CARES worker, the CARES record should be corrected accordingly. For W-2, this incident must not be counted as one of the three instances of noncooperation.

SUMMARY

All households with a child(ren) with an absent parent or with a father living in the home who needs paternity established should be referred to the Child Support Agency (CSA). All referred applicants in these households must cooperate with the CSA as a condition of eligibility for W-2, child care, Medicaid/BadgerCare and food stamps. All referred participants/recipients in these households must continue to cooperate with the CSA in order to maintain eligibility for W-2, child care, Medicaid/BadgerCare and food stamps. If an individual who was not cooperating with the CSA is part of a group that reapplies for assistance after a case closure, the individual should be left in the non-cooperation status when referred to the CSA. The sanction is removed when cooperation or good cause is established.

The CSA has the responsibility to determine whether an individual is cooperating with child support enforcement efforts. Refer to Administrator's Memo 98-33 for the definition of cooperation.

An individual may claim good cause for refusal to cooperate at any time during the application process or once found eligible for services. It is the responsibility of the W-2 agency or IM agency to make a determination of good cause in each case. The W-2 agency or IM agency must allow the CSA to review and comment on the findings and the basis for the proposed good cause determination, and consider any recommendations from the CSA, before making the final determination; however, the W-2 agency or IM agency has the authority to make the final decision on the good cause claim.

cc: Child Support Agencies